

2-27-05

ON 3-2-04 I WAS TRANSFERRED TO A OUTSIDE DOCTOR AND HE  
RECOMMENDED RE-CHECKING IN 6 WEEKS WITH NEVER TOOK PLACE I AM  
EXPERIENCING PAIN AND DISCOMFORT IN THE REGION. AS A INFORMAL RESOLUTION  
YOU AGREED I GET MY HAND FIXED WITH NEVER TOOK PLACE  
I PREVIOUSLY SUBMITTED A GRIEVANCE ON 1-10-04 "DEEMED FOTILE". WHICH  
WAS NEVER ACTED UPON

Legated Remedy  
("MGC") Hearing

"GRIEVANCE" FILED  
8/27/05

Memorandum

From: James Hall  
 To: Mrs. Nelson, Lisa M. ("LDC")

SBJ: 00167581 W. Bldg C-22  
 Date: 2, 11, 05

Re: Grievance that reads as follows; Filed 2.22.05

On 3.2.04 I was transferred to a outside doctor and recommended  
 restricting in 6 weeks; which never took place in experiencing pain and  
 discomfort in the region I agreed at the informal resolution to get my  
 hand fixed which never took place I've previously submitted a Grievance on  
 1.10.04 which was never acted upon. Grievant Assails, Mrs Nelson (FCM) has  
 reneged on the informal resolution agreed to on 8.20.04. The Grievant's hand  
 remains untreated and permanently deformed. Grievant has requested an CMC hearing  
 so that my hand can properly be fixed with known requires, Re Breathing, pinning  
 v. (FCM) own doctor's recommendation; previously x-ray, hand cast. I humbly  
 request that the "CMC Hearing" be conducted at the earliest convenience I  
 previously mentioned you about this matter on Feb 1, 05

Respectfully Submitted

This 11, day of Feb 05

James Hall  
 00167581 C-22 Bldg

Memorandum

To: Mr. Paul W. Howard

From: James Hall

Date: 5-18-05

Re: Grievance / Informal Resolution #1304 Attached herein are copies of

The unresolved Grievances. I filed suit against First Correctional Medical and Brenda Hilwerdt, for Deliberate indifference to a serious medical need. It is clear that the United States District Court believes that CA# 04 176-GMS have arguable merit in both fact and law. Memorandum order dated NOV 29 2004 The #1304 Grievance date 2-1-04 still remain unresolved. The BOP "Grievance Manual" provides 180 days to complete grievance process. It is beyond the 180 days and the grievance process concluded unresolved further effort to resolve this institutionally is futile. I.D BOP 4.4.5C, The informal Resolution signed by myself and Brenda Hilwerdt. Clearly they have reneged because the agreement was that it would be taken outside the prison to have my hand properly fixed (see consultation order prepared by Dr. Dushette with clearly offers expert medical testimony identifying the alleged deviation from the applicable standards of care, on January 26, 2003. The Honorable Gregory M. Sisk dismissed my claim for failure to exhaust administrative remedies. However the court decision, will not prevent me from pursuing my administrative remedy at the DOC. And if I'm not satisfied with the final result, I may then refile my complaint in federal court. Dear I intend to refile because I incorporate by reference BOP 4.4 Grievance procedure which prohibits repetitive grievances for the same offense leaving me with no remedy I humbly request consultation in regard to resolution, and ~~compensation~~ and respectfully requesting your comment on this matter

SMYRNA, 19977

Phone No. 302-653-9261

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**GRIEVANCE REPORT****OFFENDER GRIEVANCE INFORMATION**

Offender Name : HALL, JAMES E J	SBI# : 00167581	Institution : DCC
Grievance # : 1309	Grievance Date : 02/01/2004	Category : Individual
Status : Unresolved	Resolution Status:	Inmate Status :
Grievance Type: Health Issue (Medical)	Incident Date : 01/20/2004	Incident Time : 00:00
IGC : Merson, Lise M		

**OFFENDER GRIEVANCE DETAILS**

Description of Complaint: rt pinkie finger broken on 1/20/04 while in receiving room I was checked by RN. He noted my hand was broken and gave me ice. Put it in chart to x-ray and cast it.

Remedy Requested : Need medical attention, still haven't received it.

**INDIVIDUALS INVOLVED**

Type	SBI #	Name
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**ADDITIONAL GRIEVANCE INFORMATION**

Medical Grievance : YES	Date Received by Medical Unit : 02/12/2004
Investigation Sent : 02/12/2004	Investigation Sent To : Kratsas, Gina
Grievance Amount :	

Smymna Landing Road  
SMYRNA DE, 19977  
Phone No. 302-653-9261

## INFORMAL RESOLUTION

## OFFENDER GRIEVANCE INFORMATION

Offender Name : HALL, JAMES E J	SBI# : 00167581	Institution : DCC
Grievance # : 1309	Grievance Date : 02/01/2004	Category : Individual
Status : Unresolved	Resolution Status:	Inmate Status :
Grievance Type: Health Issue (Medical)	Incident Date : 01/20/2004	Incident Time : 00:00
IGC : Merson, Lise M		

## INFORMAL RESOLUTION

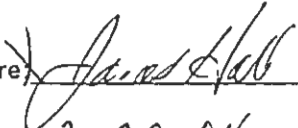
Investigator Name : Kratsas, Gina

Date of Report 02/12/2004

Investigation Report :

Reason for Referring:

Offender's Signature



Date

: 2-20-04

Witness (Officer)

: Brenda Holwerda Merson

2/18/04 - Inmate seen on 2/14/04 by myself  
On 2/18/04 - X-ray of R hand done.  
2/19/04 - Referral for Ortho consult. <sup>by</sup> <sub>me</sub>

FORM #585

MEDICAL GRIEVANCE

FACILITY: DCC

DATE SUBMITTED: 2-10-04

INMATE'S NAME: JAMES HALL

SBI#: C0167581

HOUSING UNIT: MHU 23 B-C-10

CASE #: 1309

SECTION #1

DATE & TIME OF MEDICAL INCIDENT: 01/20/2004 00:00

TYPE OF MEDICAL PROBLEM:

This is a update concerning my previously  
submitted Sickcall/grievance on 1-28-04 I have  
yet to get X-RAY the Doctor told me that I need  
my left hand put into a cast now. My hand is  
deformed and Hurts Really Bad

GRIEVANT'S SIGNATURE: [Signature]

DATE: 2-10-04

ACTION REQUESTED BY GRIEVANT: need Medical attention still Haven't  
rec'd any

DATE RECEIVED BY MEDICAL UNIT: \_\_\_\_\_

NOTE: EMERGENCY MEDICAL CONDITIONS WILL TAKE PRIORITY. OTHERWISE, MEDICAL  
GRIEVANCES WILL BE ADDRESSED AT THE WEEKLY MEDICAL COMMITTEE MEETING.



**PHYSICIAN'S ORDER SHEET****ORDERS:** Another brand of a generically equivalent product identical in dosage form and content of active ingredients may be administered unless checked.**WRITE OR IMPRINT**  
**PATIENT INFORMATION BELOW**

START

1/22/04

Rt hand X-ray ASAP

Motion 600mg po q8h prn x 1 month

1/22/04  
10:45 AM

PROVIDER'S SIGNATURE:

Theresa Chunks

DATE/TIME

1/22/04

**START NEW ORDERS BELOW**

START

2-14-04

1. Repeat above order, not

done -  
1/22/04 Dr. Williams to Holwerda

PROVIDER'S SIGNATURE:

DATE/TIME

**START NEW ORDERS BELOW**

START

PROVIDER'S SIGNATURE:

DATE/TIME

NAME

Hill

James

ALLERGIES

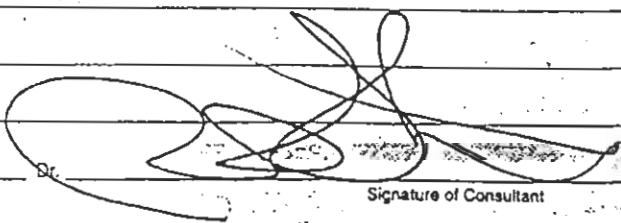
ID

167581

DOB

6/8/70

## CONSULTATION

Last Name <b>Hall</b>	First Name <b>James</b>	Middle Name	Room No.	Hosp. No. <b>167581</b>
From: Attending Physician <b>ALIE</b>	To: Consulting Physician <b>DR Dushuttle</b>		Date <b>3/2/04</b>	
Note Findings and Recommend Treatment <b>Fracture of 5th Metacarpal</b>				
<p>X-ray - fx (R) 5<sup>th</sup> metacarpal, 80% healed  "Boxer's Fracture"</p> <p>Stability of fx      full ROM  minimal tenderness  Will have a perm bump</p> <p>should have been casted, too late now!  only option is to leave alone &amp; re-healing the  finger &amp; pinning  I do not recommend surgery, unless becomes  a problem in the future. The surgery would be the  same now or later at this point.  Recommend re-checking in 6 wks.</p>				
<p>Date of Consultation: <b>3-2-04</b></p> <p>Dr.  Signature of Consultant</p>				



Declaration under penalty of perjury of  
 #136557, MAURICE LAND, being competent to make  
 this declaration and having personal knowledge of the  
 matters stated therein, declares pursuant to 28 U.S.C. § 1746

1) 3-30-04, John Yait broke his right hand and  
 received medical attention. On said date, I myself  
 MAURICE C. LAND and Mr. Yait Resided B-L-8 #23  
 Building and Mr. Hall Resides in the same Building  
 B-L-10 one day we were talking and through  
 conversation with Mr. Hall I could see that  
 he couldn't believe the response given to Mr. Yait  
 and he told me (Plaintiff) that they still haven't  
 fixed his hand

pursuant to 28 U.S.C. § 1746 I declare under penalty of perjury  
 that the foregoing is true and correct. Executed on April 5, 2004

Maurice Land

Declaration under penalty of perjury of  
 376812 Anthony Garnett, being competent to make  
 This declaration and having personal knowledge of the  
 matters stated therein, declares pursuant to 28 U.S.C. § 1746

1 ON February 10, 2004 I Anthony Garnett injured  
 my Finger which was dislocated in the MHU gym  
 Area PLAYING BASKETBALL I didn't receive immediate  
 medical attention until 4 hours later my finger was  
 pulled and a date was set for me to get my finger  
 reset which was February 11, 2004 I had medical attention  
 and my finger was splinted and wrapped properly I reside  
 in B-17

Plaintiff James Hall resides B-10

2 I know that Mr. Hall requested medical attention and was  
 yet to receive it and I thought it was strange that he didn't get any  
 medical attention and were on the same tier medical requests were  
 put into the nurse.

Mr. Hall asked me who did I talked with to get my  
 finger fix I could see the emotion and pain on his face.

Pursuant to 28 U.S.C. § 1746 I declare under penalty of perjury  
 that the foregoing is true and correct executed on April 2, 2004

Anthony Garnett